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FISCAL IMPACT STATEMENT

LS 6773

BILL NUMBER: HB 1276

NOTE PREPARED: Feb 25, 2010

BILL AMENDED: Feb 24, 2010

SUBJECT: HIV Testing and Judicial Technology.

FIRST AUTHOR: Rep. Blanton

FIRST SPONSOR: Sen. Steele

BILL STATUS: As Passed Senate

FUNDS AFFECTED: X GENERAL
DEDICATED
X FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill has the following provisions:

- (1) Specifies that: (a) records concerning communicable diseases may be disclosed; and (b) patient records that have been classified as confidential are not required to be made available for inspection after 75 years (as required for other confidential records).
- (2) Sets parameters that a public agency must follow when creating exceptions for the disclosure of records.
- (3) Requires the release of certain mental health care information in certain circumstances and provides for civil immunity for the person releasing the information.
- (4) Provides an exception to the human immunodeficiency virus (HIV) testing consent statute.
- (5) Provides that if a victim of certain crimes requests that a defendant be tested for HIV, the defendant must be tested.
- (6) Requires the Division of State Court Administration to annually report to the Commission on Courts regarding: (a) the implementation of the Judicial Technology and Automation Project (JTAP); and (b) statistics compiled by JTAP regarding the number of dissolution of marriage decrees in Indiana entered in the previous year.

Effective Date: Upon passage; July 1, 2010.

Explanation of State Expenditures: (Revised) *Summary:* Under the provisions of the bill, the Division of State Court Administration will experience a slight increase in workload that can be absorbed by current staff. Additionally, the bill may decrease state expenditures to the extent federal Violence Against Women Act funds can be used to pay for HIV tests that otherwise would have been financed by Medicaid. The

Indiana State Department of Health (ISDH) may experience increases in workload to the extent they make records available to the public regarding communicable diseases.

Additional Information:

Division of State Court Administration: Under the bill, the Division would be required to annually report to the Commission on Courts the status of the implementation of the Judicial Technology and Automation Project, statistics compiled by JTAP regarding dissolution of marriage decrees entered in Indiana for the previous year, as well as other information regarding JTAP. The Division reports this provision will have no fiscal impact and can be accomplished with existing staff and resources.

(Revised) Indiana State Department of Health (ISDH): Currently, if an individual is required to undergo a mandatory test for HIV, the tested individual's insurance would be used to finance the test. Some individuals tested would have their HIV test financed by Medicaid. To the extent federal Violence Against Women Act (VAWA) funds can be used to pay for these HIV tests, Medicaid expenditures will decrease. Decreases are indeterminable, but may depend on administrative decisions on how to use VAWA funds and the number of individuals on Medicaid who are tested in a given year.

The bill may also increase the workload of ISDH to the extent medical records of individuals with communicable diseases are made public in the interest of public health. Any increase in workload will depend on the decision of ISDH administrators.

Explanation of State Revenues: *(Revised) Dissemination of Public Records:* This bill does not allow a public agency to impose any costs that may restrict the reproduction or dissemination of any public record. This provision may decrease revenue the state receives from requests for information to the extent such fees for reproduction or dissemination are considered restrictive. Any impact on state revenue is indeterminable but expected to be minimal.

Explanation of Local Revenues: *HIV Testing:* This provision would put Indiana in compliance with federal requirements for eligibility for grant money from U.S. DOJ Violence Against Women Act. Current federal law requires that persons who are arrested for a sexual assault are required to be tested within 48 hours if requested by the alleged victim.

At a minimum, local programs providing services for victims of domestic violence and sexual assault in at least three counties are currently not eligible for using the last 5% of their federal funding if the 48-hour language is not included in statute. This provision will ensure that local programs continue to receive revenue from this funding source.

State Agencies Affected: DSCA, ISDH.

Local Agencies Affected:

Information Sources: Leslie Rogers, Division of State Court Administration; Scott Zarazee, ISDH; Laura Berry, Indiana Coalition Against Domestic Violence; Mary DePrez, Division of State Court Administration.

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